

and allow this case to proceed on the merits.

The Court notes that it must liberally construe rule 55(c). Lolatchy v. Arthur Murray, Inc., 816 F.2d 951, 954 (4th Cir. 1987). In determining whether to set aside default in this case, the Court will consider whether Defendant has a meritorious defense, whether she acted with reasonable promptness, the personal responsibility of Defendant in the default, the prejudice to Plaintiff in setting aside default, whether there is a history of dilatory action on the part of Defendant, and whether a less drastic sanction is available. Colleton Preparatory Academy, Inc.v. Hoover Universal, Inc., 616 F.3d 413, 417 (4th Cir. 2010). As the Fourth Circuit explained in Colleton Preparatory, “[w]e have repeatedly expressed a strong preference that, as a general matter, defaults be avoided and that claims and defenses be disposed of on the merits.” Id.

Finally, the Court **DENIES without prejudice** the Motion to Strike [# 9]. If Defendant does not show good cause for setting aside the entry of default by August 19, 2011, the Court will strike the Answer and direct Plaintiff to file a motion for default judgment. If the Court finds good cause, the Court will set aside the entry of default and allow Defendants’s untimely Answer.

Signed: August 2, 2011

Dennis L. Howell

Dennis L. Howell
United States Magistrate Judge

